

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

FILED-CLERK  
U.S. DISTRICT COURT

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BENARD AUGUST LUEDKE, JR. § BY \_\_\_\_\_

VS. § CIVIL ACTION NO. 4:04cv357

KAY SHEELEY, ET AL. §

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Benard August Luedke, Jr., an inmate at the Bridgeport Unit, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Don D. Bush, United States Magistrate Judge, at Sherman, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends Plaintiff's motion for default judgment be denied.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the

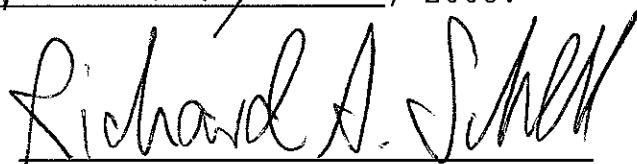
objections in relation to the pleadings and the applicable law. See FED. R. Civ. P. 72(b). After careful consideration, the court concludes Plaintiff's objections are without merit.

O R D E R

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the magistrate judge is **ADOPTED**. It is therefore

**ORDERED** that Plaintiff's motion for default judgment is **DENIED**.

SIGNED this 20<sup>th</sup> day of February, 2006.



RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE